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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,361	04/20/2000	Aviel D. Rubin	1999-0728	4969

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2626

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08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/553,361	Applicant(s) RUBIN ET AL.	
	Examiner Michael N. Opsasnick	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/15/04 (petition received).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,17,20,21,23-27,32-39,41 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14,17,20,21,23-27,32-39,41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14,17,20,21,23-27,32-39,41,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al(6167395) in view of Flores et al (5216603).

As per claims 1,14,17,20,41,42 Beck et al (6167395) teaches a method for retaining broadband communications comprising the steps adding at least a portion of a communication session in which said individual is a participant to a stored corpus of communication session (col. 6 lines 24-50), and selecting keywords related to said communication session for subsequently searching to find said communication session (abstract). Beck et al(6167395) also teaches keyword summarization (col. 9 lines 38-51), content based access of the communicated information (col. 10 lines 10-50), wherein Beck discusses an augmented keyword list (col. 46 lines 5-18; examiner notes that the augmented keyword list is not only stored, but enhanced during the communication system between the user and the system performing a search function. Beck et al(6167395), however, does not explicitly teach creating a database wherein the database contains selected keywords of a communication session so that it can be subsequently searched

Art Unit: 2626

via the chosen keywords, however, Flores et al (5216603) teaches keyword association with present and past conversations to be used (Fig. 15,16; fig 13-14, fig. 17, col. 42 lines 31-45; col. 54 lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art of conversation recordkeeping systems to modify the teachings as taught by Beck et al (6167395) with conversation keyword association because it would advantageously allow for easier access to already stored conversations (Flores et al, fig. 15; fig. 18; col. 4 lines 20-35).

As per claims 2,21, and 23, Beck et al (6167395) teaches:

“converting.....text information” as converting speech to text (Fig. 7, subblocks 185)

As per claims 3, 24, Beck et al (6167395) teaches:

“step of identifying.....session” as automated detection and updating the database during user operations (col. 18 lines 10-24; and col. 20 lines 47-59;figs. 6,7, and 9)

As per claim 4, Beck et al (6167395) teaches:

“prompting said individual.....keywords” as analyzing association criteria and making a selection based on that criteria (abstract)

As per claims 5,25, and 26, Beck et al (6167395) teaches:

“outgoing packets....first party to said individual” as packets of information transferred from the first party to the second party (Figs. 2,4, and 6)

As per claims 6, 27, Beck et al (6167395) teaches:

“determining whether explicit approval.....second party” as logging into a network via password protection (Fig. 6; col. 24 lines 14-40)

As per claims 7,9,10, Beck et al (6167395) teaches storing meta information and packets to memory (Fig. 7, subblock 191)

As per claims 8,35-39, Beck et al (6167395) teaches constraining access of the user to certain information with additional permission – examiner notes that the user access is based upon enrollment/security recognition, and after access, the access to certain features of the software is based upon user –specific codes - a two step security/encrypted process(col. 25 line 60 – col. 26 line 17)

As per claims 11,32, Beck et al (6167395) teaches voice/speech recognition to convert to text using keywords (col. 21 lines 35-47)

As per claims 12, 33, 34, Beck et al (6167395) teaches searching the database (fig. 7)

As per claims 13,33, and 34, Beck et al (6167395) teaches storing and retrieving information from the database for parsing or review (col. 24 lines 37-65).

Response to Arguments

3. Applicant's arguments received 5/23/07 have been fully considered but are not considered to be persuasive. As per applicants arguments on page 10 of the repsonse, examiner respectfully disagrees and argues that 1) the current claim scope only find the keyword in the session, and not so much indexing, etc; nonetheless, continuing, examiner argues that metadata represents the communication session – the claim scope does not define the keyword and the communication session – the communication session is broad enough to include metadata. With respect to the arguments on page 11-14 of the response, examiner disagrees and argues that the user, by nature of the system in Beck, has to interface with some type of module, that is in the personal use/possession of the user, and that an 'enterprise system', in the realm of one of ordinary skill in the art, would include a personal user (i.e., cellular phone networks, including call centers, etc.). Examiner also notes the Mikurak (6606744) reference teaching third party secure access to packet information.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2626

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MICHAEL OPSASNICK
PRIMARY EXAMINER



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8/2/07